

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>CHARLES BRIAN FOX and MEGAN FOX,</b>	)	
<b>Individually and as Parents and Next Friends of</b>	)	
<b>HAILEY FOX, MATTHEW FOX, REBECCA</b>	)	
<b>FOX, and SARAH FOX, individually,</b>	)	<b>Case No.: 3-16-cv-03013</b>
<b>Plaintiffs</b>	)	<b>District Judge William L. Campbell, Jr.</b>
	)	<b>Magistrate Judge Jeffery Frensley</b>
	)	<b>JURY DEMAND</b>
<b>v.</b>	)	
	)	
<b>AMAZON.COM, INC.,</b>	)	
<b>W2M TRADING CORPORATION,</b>	)	
<b>Defendants.</b>	)	

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiffs hereby move this Court for partial summary judgment on certain legal issues at the heart of this lawsuit. Plaintiffs submit that there is no genuine dispute of any material fact as to these questions of law.

Specifically, Plaintiffs submit that the undisputed, material facts and the applicable law compel the following legal conclusions:

(1) That Amazon is a “seller” under the Tennessee Product Liability Act (“the Act”), Tenn. Code Ann. § 29-28-101 et seq.

(2) That Amazon had a legal duty to warn Plaintiffs about the risk of hoverboard fires and explosions; and

(3) That the undisputed evidence demonstrates that Amazon failed to act reasonably in discharging that duty to warn.

Filed in support of this summary judgment motion is a memorandum of law; a statement of undisputed facts in accordance with Local Rule 56.01(b); the affidavits of Brian Fox, David

McVey, and John Coleman; and cited deposition testimony and documents produced by Defendant Amazon.

Respectfully submitted,

/s/ Steven E. Anderson

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing that a true and exact copy of the foregoing has been served via the Court's CM/EMF system to all parties registered to receive electronic notice on January 31<sup>st</sup>, 2018 including:

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